

1
2 BILL NO. S-89-07- 10

3 SPECIAL ORDINANCE NO. S-113-89

4 AN ORDINANCE approving CONTRACT FOR
5 RES. 6123-89, MICHIGAN AVENUE NSA '89,
6 WALKS, CURBS, DRIVE APPROACHES, CORNER
7 WINGWALKS & DRAINAGE, between WEIKEL
8 LINE, INC. and the City of Fort Wayne,
9 Indiana, in connection with the Board
10 of Public Works and Safety.

11 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
12 THE CITY OF FORT WAYNE, INDIANA:

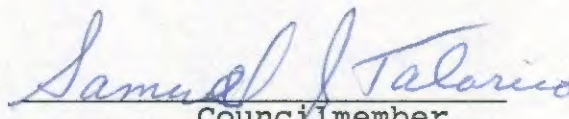
13 SECTION 1. That the Contract RES. 6123-89, MICHIGAN
14 AVENUE NSA '89, WALKS, CURBS, DRIVE APPROACHES, CORNER
15 WINGWALKS & DRAINAGE by and between WEIKEL LINE, INC. and the
16 City of Fort Wayne, Indiana, in connection with the Board of
17 Public Works and Safety, is hereby ratified, and affirmed and
18 approved in all respects, respectfully for:

19 walks, curbs, drive approaches, corner
20 wingwalks and drainage as follows:
21 Phenie Avenue from Taylor to Hale
22 Avenue and on Taylor Street (South
23 Side) Nelson to Phenie.


24 involving a total cost of Eighty-Five Thousand Three Hundred
25 Eighty-Four and no/100 Dollars.

26 SECTION 2. Prior Approval has been requested from
27 Common Council on July 11, 1989. Two copies of said Contract
28 are on file with the Office of the City Clerk and made
29 available for public inspection, according to law.

30 SECTION 3. That this Ordinance shall be in full force
31 and effect from and after its passage and any and all
32 necessary approval by the Mayor.

33
34 
35 Councilmember

36 APPROVED AS TO FORM
37 AND LEGALITY

38 
39 J. Timothy McCaulay, City Attorney

CONTRACT NO. 6123-89

MICHIGAN AVENUE NSA'89

BOARD ORDER NO. 6-89

WORK ORDER NO. 10,764

THIS CONTRACT made and entered into in triplicate this 5th day of July, 1989, by and between WEIKEL LINE, INC., herein called CONTRACTOR, and the City of Fort Wayne, Indiana, an Indiana Municipal Corporation, acting by and through the Mayor and the Board of Public Works and Safety, herein called OWNER;

WITNESSETH, that the CONTRACTOR and the OWNER, for the considerations hereinafter named, agree as follows:

ARTICLE 1: SCOPE OF WORK

CONTRACTOR shall furnish all labor, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for the following:

RES. NO. 6123-89 MICHIGAN AVENUE NSA'89

all according to RES. NO. 6123-89, Drawing No. _____, Sheets _____, and do everything required by this contract and the other documents constituting a part hereof.

ARTICLE 2: THE CONTRACT SUM

The OWNER shall pay CONTRACTOR for the performance of the contract the unit price sum of \$ 85,384.00. In the event the amount of work is increased or decreased by OWNER, the contract sum shall be increased or decreased according to the unit price schedule set forth in the CONTRACTOR's Proposal.

ARTICLE 3: PROGRESS PAYMENTS

The OWNER shall make payments on account of the contract as provided herein, as follows:

Monthly progress payments will be made by OWNER upon submission of a statement of quantities of work completed and/or materials supplied to the job site as of the end of each month. On or about the 15th day of the following month, ninety (90%) percent of the value of the work performed up to the first day of that month (based on the contract price of labor and materials incorporated in the work) and as estimated by the CONTRACTOR and approved or revised by the Engineering Department

of the OWNER less the aggregate of previous payments, will be paid by OWNER to the CONTRACTOR.

ARTICLE 4: ACCEPTANCE AND FINAL PAYMENT

Final payment shall be due at the time the work is fully completed and accepted and the contract is fully performed.

Upon filing of a Completion Affidavit by the CONTRACTOR that the work is ready for final inspection and acceptance, the Board of Public Works and Safety will direct the Engineering Department of the OWNER to promptly make such inspection. When the Engineering Department finds the work acceptable under the contract, and the contract is fully performed, it shall so inform the Board of Public Works and Safety which shall issue a final certificate stating that the work provided for in this Contract has been completed and is accepted. Thereupon the entire balance of the Contract sum shall be due and payable to the CONTRACTOR; provided only that CONTRACTOR shall first furnish OWNER, if requested to do so, satisfactory evidence that all persons who have supplied labor, material, or equipment for the work have been fully paid, and all required manpower utilization reports for this project have been submitted.

ARTICLE 5: WORKMEN'S COMPENSATION ACT

The CONTRACTOR will furnish immediately a certificate from the Industrial Board of the State of Indiana, that he has complied with the Workmen's Compensation Act in accordance with Statutes of the State of Indiana and Ordinances of the City of Fort Wayne.

Any judgment rendered against the City of Fort Wayne in any suits for damages for injury to real or personal property, or for any injury sustained by any person growing out of any act or doing of Contractor, or its agents, employees or workmen or any judgment of any court or award of any Board of Arbitrators or of the Industrial Board of the State of Indiana rendered against the City of Fort Wayne in any suit or claim arising under said Workmen's Compensation for accidental injuries or death suffered by his employees or the employees of any Subcontractor or Subcontractors in the course of their employment, when notice of the pendency of such suit, hearing or arbitration shall have been given said CONTRACTOR, shall be conclusive against CONTRACTOR as to amount, liability and all other things pertaining thereto; it being the intent of the parties hereto that CONTRACTOR indemnify and hold harmless OWNER in the premises.

ARTICLE 6: NONDISCRIMINATION OF LABOR

The CONTRACTOR further agrees to be bound by Section 15-13 (as amended), of the Code of the City of Fort Wayne, Indiana of 1974, passed by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-34-78 (as amended) on December 12th, 1978. The successful bidder shall file a Manpower Utilization Report for this project with the Compliance Office within ten (10) days after comple-

ARTICLE 11: ADJUSTMENTS OF DISPUTES

All questions or controversies which may arise between the CONTRACTOR and the OWNER under the provisions of this Contract shall be subject to the decision of the Director of Board of Public Works & Safety of the OWNER, and his decision shall be final and conclusive upon the parties.

Provided, however, no changes in the plans, specifications, or other phases of the work covered by this Contract will be permitted except on prior written authorization by the Board of Public Works and Safety.

ARTICLE 12: COMPLETION DATE

The CONTRACTOR agrees to complete the work specified in the contract within 8/31/89 consecutive calendar days after having been ordered by the OWNER to commence work under this contract.

ARTICLE 13: COUNCILMANIC APPROVAL

This Agreement, although executed on behalf of the OWNER by the Mayor and Board of Public Works and Safety of the City of Fort Wayne, Indiana, shall not be binding upon the OWNER unless and until the same shall have been ratified and approved by the Common Council of the City of Fort Wayne, Indiana, and should said Common Council fail to approve the same within ninety (90) days after the date hereof, then this Contract shall be and become wholly void.

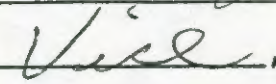
ARTICLE 14:

This contract is governed by Laws of the State of Indiana.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

(CONTRACTOR)

BY: 

, President

BY: _____

_____, Secretary

CITY OF FORT WAYNE, INDIANA

BY: Paul Helmke
Paul Helmke, Mayor

BOARD OF PUBLIC WORKS & SAFETY

Charles E. Layton
Director of Public Works

Michael McAlexander
Director of Public Safety

Douglas M. Lehman
Director of Administration &
Finance

ATTEST:

Helen V. Gochenour
Helen V. Gochenour, Clerk

ACKNOWLEDGMENT

STATE OF INDIANA:

SS:

COUNTY OF ALLEN:

BEFORE ME, a Notary Public, in and for said County and State,
this 28th day of June, 1989, personally appeared the
within named Don Waldrop, who being by me first duly
sworn upon their oaths say that they are the Vice Pres. & Sec.
and _____ respectively, of Weikel Line, Inc.
and as such duly authorized to execute the foregoing instrument and
acknowledged the same as the voluntary act and deed of Don Weikel
& Don Waldrop for the uses and purposes therein set forth.

IN WITNESS WHEREOF, hereunto subscribed my name, affixed my official
seal.

Carolyn S. Eschmann
NOTARY PUBLIC

Carolyn S. Eschmann
Type or Print Name of Notary

MY COMMISSION EXPIRES: 6-16-91

ACKNOWLEDGEMENT

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

BEFORE ME, a Notary Public, in and for said County and State, this 5th day of July, 1989, personally appeared the within named Paul Helmke, Mayor of the City of Fort Wayne; Charles E. Layton, Michael McAlexander and Douglas M. Lehman, members of the Board of Public Works and Safety, City of Fort Wayne, Indiana; and Helen V. Gochenour, Clerk of the Board of Public Works and Safety, City of Fort Wayne, Indiana, to me personally known, who being by me duly sworn said that they are respectively the Mayor of the City of Fort Wayne, the Members and Clerk of the Board of Public Works and Safety of the City of Fort Wayne, Indiana, and that they signed said instrument on behalf of the City of Fort Wayne, Indiana, with full authority so to do and acknowledged said instrument to be the voluntary act and deed of said City for the uses and purposes therein set forth.

IN WITNESS WHEREOF, hereunto subscribed my name, affixed my official seal.

Carolyn S. Eschmann
NOTARY PUBLIC

Carolyn S. Eschmann
Type or Print Name of Notary

My Commission Expires: 6-16-91

Approved by the Common Council of the City of Fort Wayne on
day of _____, 19____.

Special Ordinance No. _____.

78-64-13

5/17/89

IMPROVEMENT RESOLUTION
NO. 6123-89
MICHIGAN AVENUE NSA'89

RESOLVED BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF FORT WAYNE, INDIANA,

That it is deemed necessary to improve Walks, Curbs, Drive Approaches, Corner Wingwalks, & Drainage;

BASE BID
PHENIE AVENUE : TAYLOR TO HALE AVENUE

ALTERNATE I
TAYLOR STREET (SOUTH SIDE) NELSON TO PHENIE

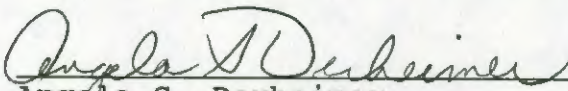
All in accordance with the specifications on file in the office of the Department of Public Works and Safety of said City; and such improvement is now ordered.

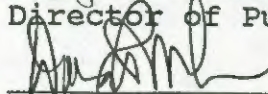
It is hereby found by said Board of Public Works and Safety that all benefits accruing hereunder will be to the general public of the City of Fort Wayne and that no special benefits will accrue to any property owner adjoining said improvement or otherwise assessable under said improvement. The cost of said improvement shall be paid 100% by Community & Economic Development Department.

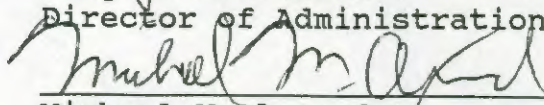
This project is funded by a HUD Community Development Block Grant and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968.

Adopted, this 17th day of May, 19 89.


BOARD OF PUBLIC WORKS & SAFETY


Angela S. Derheimer
Director of Public Works


Douglas M. Lehman
Director of Administration & Finance


Michael McAlexander
Director of Public Safety

ATTEST:


Helen Gochenour
Secretary and Clerk

June 7, 1989

Department of Public Works & Safety
Office of the Board
Meeting held at 9:00 a.m.
Third Floor Conference Room

Charles E. Layton, Director
Michael McAlexander, Member
Douglas M. Lehman, Member

ATTEST: Helen V. Gochenour, Clerk

1. RECEIVE BIDS - Resolution #6122-89, WESTFIELD NSA '89, walks, curbs, drive approaches, corner wingwalks, street lighting & drainage.

Brooks Const.

Base	Alt.
------	------

✓ Gaines Const.

74,004. ⁴⁵	33,253. ³⁵
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✓ T-G Excavating

Base	Alt.
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88,369. ²⁰	40,486. ³⁵
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✓ Tomco Const.

Base	Alt.
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62,906. ⁰⁰	28,467. ⁴⁰
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✓ Weikel Line Co.

Base	Alt.
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85,872. ⁸⁰	39,129. ⁸⁵
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Eng. Est. - Base \$82,043.25, Alt. \$39,096.25

2. RECEIVE BIDS - Resolution #6123-89, Michigan Avenue NSA '89, walks, curbs, drive approaches, corner wingwalks & drainage.

Brooks Const.

Base	Alt.
------	------

✓ Gaines Const.

56,651. ⁸⁰	29,490. ⁷⁵
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T-G Excavating

Base	Alt.
------	------

✓ Tomco Const.

57,947. ⁴⁰	28,184. ⁵⁰
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✓ Weikel Line

Base	Alt.
------	------

55,670. ⁰⁰	29,714. ⁰⁰
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Eng. Est. Base \$60,485.50, Alt. \$32,556.75

3. RECEIVE BIDS - Resolution #6125-89, Hamilton NSA '89, Sidewalks, curbface walks, curbs, driveways

Brooks Const.

✓ Gaines Const.

78,098. ²⁰

Mergy Const.

✓ Tomco Construction

64,684. ⁶⁵

✓ Weikel Line Co.

92,687. ¹⁰

Eng. Est. \$87,172.55

Read the first time in full and on motion by Talarico, seconded by GiaQuinta, and duly adopted, read the second time by title and referred to the Committee on Public Works (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 7-11-89
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Talarico, seconded by Bradbury, and duly adopted, placed on its passage. PASSED ~~lost~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 8-1-89
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. D-113-89 on the 1st day of August, 1989,

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK
SEAL
Charles S. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 2nd day of August, 1989, at the hour of 11:00 o'clock 7 M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 4th day of August, 1989, at the hour of 2:30 o'clock 9 M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

TITLE OF ORDINANCE Contract for Res. 6123-89, Michigan Avenue NSA '89DEPARTMENT REQUESTING ORDINANCE Board of Public Works & Safety

SYNOPSIS OF ORDINANCE The Contract for Res. 6123-89, Michigan Avenue NSA '89
is for walks, curbs, drive approaches, corner wingwalks &
drainage as follows: Phenie Avenue from Taylor to Hale Avenue
and on Taylor Street (South Side) Nelson to Phenie. The Weike
Line Co., Inc., is the Contractor.

PRIOR APPROVAL IS BEING REQUESTED 7/11/89.

8-85-27-10

EFFECT OF PASSAGE Improved walks, curbs, drive approaches, corner wingwalks
& drainage at above location.

EFFECT OF NON-PASSAGE _____

MONEY INVOLVED (DIRECT COSTS, EXPENDITURE, SAVINGS) \$85,384.00

ASSIGNED TO COMMITTEE _____

BILL NO. S-89-07-10

REPORT OF THE COMMITTEE ON PUBLIC WORKS

SAMUEL J. TALARICO, CHAIRMAN
DONALD J. SCHMIDT, VICE CHAIRMAN
LONG, GIAQUINTA, BURNS

WE, YOUR COMMITTEE ON PUBLIC WORKS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) approving CONTRACT
FOR RES. 6123-89, MICHIGAN AVENUE NSA '89, WALKS, CURBS,
DRIVE APPROACHES, CORNER WINGWALKS & DRAINAGE, between WEIKEL
LINE, INC. and the City of Fort Wayne, Indiana, in connection
with the Board of Public Works and Safety

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND
BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID

(ORDINANCE)

(~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Samuel J. Talarico

Donald J. Schmidt

Mark J. Giaquinta

Mark J. Giaquinta

David Long

DATED: *8-1-89.*

Sandra E. Kennedy
City Clerk